

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRICKLAYERS' UNION LOCAL)
NO. 1, et al.,)
)
Plaintiffs,)
)
vs.) Case No. 4:07CV2056 CDP
)
RUCK MASONRY, INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiffs filed this action to recover from defendant Ruck Masonry, Inc. delinquent fringe benefit contributions and liquidated damages owed to the plaintiff employee benefit funds under the Employee Retirement Income Security Act, 29 U.S.C. § 1132 (“ERISA”) and the Labor Management Relations Act of 1947, 29 U.S.C. § 185. Plaintiffs also seek an award of their attorney’s fees and costs against Ruck Masonry. Ruck Masonry has not appeared, and plaintiffs have moved for default judgment, submitting in support of their motion the affidavits of Greg Campbell, Gary Juenger, and Mark Hollman. On March 31, 2008, the Clerk of the Court entered default against defendants.

Under ERISA, 29 U.S.C. § 1132(g)(2) and § 1145, and under the applicable collective bargaining agreement, defendants owe \$880.43 in delinquent

contributions and \$233.94 in liquidated damages. ERISA requires delinquent employers to pay plaintiffs' attorney's fees and costs. Plaintiffs incurred \$868.13 in accounting fees, \$613.00 in attorney's fees, and \$449.36 in court costs. Based on the evidence presented, the Court find that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorney's fees is reasonable.

IT IS HEREBY ORDERED that plaintiffs' supplemental motion for default judgment [#10] is granted.

A separate Default Judgment is issued this same day.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of April, 2008.